

### **REMARKS/ARGUMENTS**

Claims 3-12 are now pending after entry of the above amendments. Claims 3-12 were rejected under 35 U.S.C. § 112, first and second paragraphs. Claims 3-5 were rejected as anticipated by U.S. Patent No. 6,126,886 to Beck et al. Claims 7-12 were rejected as unpatentable over Beck in view of U.S. Patent No. 4,822,543 to Iizuka et al.

#### **Rejections Under 35 U.S.C. § 112, First and Second Paragraphs**

The Office Action asserted that the specification does not enable “providing a flowable thermoplastic member in a generally tubular configuration closed at one end” as recited in Claim 3, and additionally asserts that this recitation is confusing and indefinite, because the specification and drawings describe that the flowable thermoplastic member is initially extruded as a tubular parison that is open at both ends.

Applicant respectfully disagrees with the rejections. The “providing” step of Claim 3 is not intended to encompass only the step of extruding a parison, although extrusion of a parison can be *part* of the “providing” step. Rather, Claim 3 is intended to encompass any method wherein a flowable thermoplastic member is enclosed in a cavity of a mold and the flowable thermoplastic member has a generally tubular configuration closed at one end. This is true of the extrusion blow-molding process described and illustrated in the specification and drawings, because once the mold has closed on the tubular parison, the bottom end of the parison is pinched closed—thus, the parison at that point is provided as “a flowable thermoplastic member in a generally tubular configuration closed at one end”.

As the Examiner is aware, a recitation of method steps in a method claim does not require that the steps be performed in the recited order unless the language makes it explicitly clear that the steps cannot be performed in a different order. The steps in general can be performed in a different order and/or concurrently. Accordingly, Claim 3 encompasses the extrusion blow-molding process described in the specification. Although the parison is initially extruded as a tubular member open at both ends, it is later closed at the bottom end by the mold when it is

enclosed in the mold. However, Claim 3 is also intended to cover other known ways of achieving essentially the same result, such as a stretch blow-molding process wherein a preform that is tubular and closed at its bottom end is disposed in a mold and then stretched and inflated by the blow pin.

Based on the above remarks, Applicant believes it should be clear that the specification does indeed enable the step of “providing a flowable thermoplastic member in a generally tubular configuration closed at one end”. Moreover, the claims are not confusing or indefinite. Persons of ordinary skill in the art would understand that Claim 3 encompasses extrusion blow-molding as well as stretch blow-molding, and would be able to ascertain the scope of the claim with reasonable certainty.

Therefore, Applicant respectfully requests that the rejections under 35 U.S.C. § 112 be withdrawn.

Rejections Under 35 U.S.C. 102(b)

The Office Action refers to Beck’s embodiment in Figure 7 as having a flange. However, the article shown in Figure 7 is produced by initially making the article of Figure 6, and then cutting the article as shown at reference number 15. Therefore, the resulting flange is not produced by providing a groove in a side wall of a mold and causing the groove to be “*substantially entirely filled by the thermoplastic material so as to form a solid flange extending radially outwardly from the side wall of the article*” as required by Claim 3. Instead, the flange is formed by the type of process described in the Background of the present specification at page 1, lines 16-28, and page 2, lines 1-5. In such a process, the mold does not have a groove that is substantially entirely filled with the thermoplastic. Rather, the mold is configured to form a wide hollow projection that is subsequently severed as noted.

Furthermore, Beck never states or implies that localized heating of the mold is used in making the article of Figures 6 and 7. Such localized heating, as depicted in Figure 5, is described only in connection with the molding of an article having threads (col. 4, lines 12-27).

Appl. No.: 10/780,402  
Amdt. dated 02/14/2006  
Reply to Office action of January 25, 2006

The description of Figures 6 and 7 at col. 5, lines 1-13, makes no mention of such localized heating, nor would a person of ordinary skill in the art be led to use such localized heating to produce the article of Figures 6 and 7, since the article does not have threads. It is also important to note that the threads formed by Beck cannot be construed to be the "flange" as claimed, because they are not solid but rather are hollow, as Figure 4 shows.

Thus, Beck does not disclose forming a solid flange via a groove as claimed, nor does it disclose heating a region of the mold adjacent the groove. For these reasons, Applicant respectfully submits that Beck clearly does not anticipate Claims 3-5.

Rejections Under 35 U.S.C. 103(a)

Claims 7-12 include the additional step of cooling the region of the mold adjacent the groove by operating a cooling system disposed locally in the mold adjacent the region. The Office Action asserted that it would have been obvious to modify Beck as taught by Iizuka so as to cool the local region of the mold as claimed.

Applicant submits the references do not teach or suggest the claimed invention. First, for the reasons noted above, Beck does not disclose all of the features of Claim 3 from which Claims 7-12 depend, and Iizuka clearly does not supply the missing elements. For at least these reasons, even if the references were combined, they do not suggest the claimed invention.

Second, Applicant submits the references would not have been combined in the asserted manner. Iizuka teaches providing wall inserts 33 in a mold for forming collapse panels 6, and cooling the inserts by cooling passages 36 through which a cooling fluid flows. However, the reason for the cooling is completely inapplicable to Beck's container. Iizuka cools the inserts 33 so that during a heat-set phase of the manufacturing process, the collapse panels of the container will be heat-set at a lower temperature than the other parts of the container. Significantly, prior to the heat-set operation, the container is already fully formed. See col. 4, lines 21-24:

Appl. No.: 10/780,402 .  
Amdt. dated 02/14/2006  
Reply to Office action of January 25, 2006

“According to an embodiment of the invention, the parison is blown to the final container shape and is heat-set in the mold.”

The heat-set operation thus has nothing to do with the actual molding of the container, which is already completed before the heat-set process is performed.

There is nothing in Iizuka that suggests that his cooling technique would be beneficial to cool a flange of a blow-molded container. Therefore, Applicant respectfully submits that a person of ordinary skill in the art would not have been motivated to use cooling as taught by Iizuka in the process of Beck.

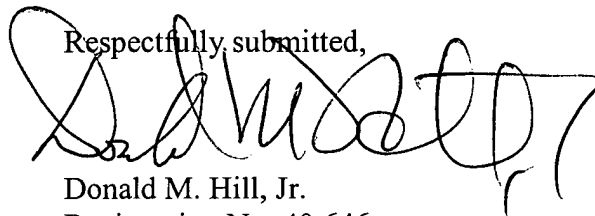
Accordingly, for all of the reasons previously noted, it is respectfully submitted that Claims 7-12 are not taught or suggested by the cited references.

#### Conclusion

Based on the above amendments and remarks, it is submitted that the application is in condition for allowance.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefor (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Donald M. Hill, Jr.", written over the typed name.

Donald M. Hill, Jr.  
Registration No. 40,646

Appl. No.: 10/780,402  
Amdt. dated 02/14/2006  
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**Customer No. 00826**  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Charlotte Office (704) 444-1000  
Fax Charlotte Office (704) 444-1111

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Nancy McPartland

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